



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

July 22, 2005

Brad Delp  
3210 E Zillah Dr  
Zillah WA 98953-9639

**Re: Amended Emergency Drought Permit No. G4-35010**

In accordance with the provisions of RCW 43.83B.405, on March 10, 2005, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 173-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT PERMIT. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

**THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A FINAL (REGULAR) PERMIT WILL ISSUE FOR THE FUTURE USE OF THE WATER USE HEREIN AUTHORIZED.**

The Department of Ecology (Ecology) has agreed to fund the cost of the mitigation or offsets for the impacts associated with the drought emergency authorizations. Ecology is attempting to meet the essential irrigation needs of farmers growing perennial crops (such as orchard crops, grapes, hops, etc.) where the loss of irrigation water would permanently damage the crops. Through the use of emergency supplemental wells, Ecology is authorizing up to 80% of the usual irrigation water supply delivered by the irrigation districts. In a normal year, Roza Irrigation District is prepared to deliver 3 to 3.3 acre-feet of water per acre. 80% of 3.3 acre-feet is 2.6 acre-feet. Roza Irrigation District is expected to deliver approximately 0.8 acre-feet of water. This authorization will allow an additional 1.8 acre-feet of water per acre for 35 acres of cherry orchard, and 1.8 acre-feet per acre for 19.3 acres of alfalfa.

The well was originally authorized to be completed in the Ellensburg Aquifer. The well driller has requested on the owner's behalf to drill the well deeper. The unfinished well meets the conditions of the original authorization, is protective of surrounding domestic wells, and meets the minimum well construction standards for sealing into the basalt aquifer. Development of the well into the Lower Saddle Mountains Aquifer (Pomona and Umatilla flows) is authorized subject to the following limitations and conditions:

This authorization is to deepen an existing well located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 7, T. 11 N., R. 21 E.W.M.

The instantaneous quantity of water to be withdrawn is limited to 500 gallons per minute.

A total of 97.74 acre-feet of water is authorized under this emergency permit for the supplemental irrigation of 54.3 acres.

**FILE COPY**





The place of use is described as follows:

Yakima County Tax Parcel No. 21110744001, being within the SW¼ of Section 7, T. 11 N., R. 21 E.W.M.

To develop a well in the Lower Saddle Mountains Aquifer, the well must comply with the following construction requirements and restrictions:

- (a) The well may utilize the Lower Saddle Mountains Aquifer. The top of this aquifer occurs at approximately 620 feet in this location. The well shall be deepened to a depth of no greater than the top of the Priest Rapids flow of the Wanapum Formation which occurs at approximately 1,000 feet in this location.
- (b) The well shall be cased with un-perforated casing to a depth of 620 feet below ground surface.
- (c) The well shall be sealed to a depth of 330 feet below ground surface.
- (d) Installation of an airline and an access port for water level measurement is required.

When flowing artesian conditions are known or suspected, the operator shall have a written sealing plan prepared prior to initiation of construction. Flowing wells shall be so constructed and equipped with valves to ensure that the flow of water can be completely stopped when not being used. Likewise, the well shall be so maintained as to prevent the waste of water through leaky casings, pipes, fittings, valves, or pumps -- either above or below land surface.

All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and WAC Chapter 173-160-075 through 173-160-305 (Minimum Standards for Construction and Maintenance of Water Wells).

The new well shall be constructed by August 1, 2005. If the new well is not completed by August 1, 2005, you must notify Ecology and provide us with an estimated completion date and a statement describing how the well will be used to provide supplemental water this year. If the well cannot be completed in sufficient time to provide water this year, this emergency permit will be cancelled.

A suitable flow meter approved by the Department of Ecology shall be installed and maintained in accordance with Chapter 173-173 WAC. (Installation, operation and maintenance requirements attached hereto.)

Whenever water is being withdrawn, bi-weekly (every two weeks) readings of the flow meter shall be recorded and maintained by the permittee. These readings shall be documented by time, date, withdrawal rate, and the person conducting the measurements. Copies of these records shall be submitted to the Department of Ecology by November 15, 2005.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.



Withdrawal of water under this authorization may be limited or otherwise regulated in favor of senior rights.

This drought emergency authorization expires on October 31, 2005.

You have the right to appeal this decision to the Pollution Control Hearings Board. Pursuant to Chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology, within thirty (30) days of the date of your receipt of this document.

To appeal this decision, your notice of appeal must contain a copy of the Ecology decision you are appealing.

Your appeal must be filed with:

The Pollution Control Hearings Board  
4224 - 6th Avenue SE Rowe Six Bldg 2  
PO Box 40903  
Lacey WA 98504-0903

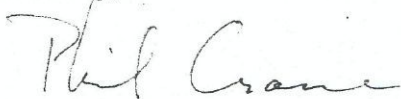
Your appeal must also be served on:

The Department of Ecology  
Appeals Coordinator  
PO Box 47608  
Olympia WA 98504-7608

In addition, please send a copy of your appeal to:

Robert F. Barwin  
Department of Ecology  
15 W Yakima Ave Ste 200  
Yakima WA 98902-3452

Sincerely,



for Robert F. Barwin, Section Manager  
Water Resources Program  
Central Region Office, Department of Ecology

MS:gg  
0507

Enclosures: Flow Meter Requirements  
Your Right To Be Heard

cc: Philip Rigdon, Deputy Director, Natural Resources Division, Yakama Nation  
Curt Hart, Water Resources Program, Headquarters